

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

PATTY BEALL, MATTHEW
MAXWELL, TALINA MCELHANY,
AND KELLY HAMPTON,
individually and on behalf
of all other similarly
situated,
Plaintiffs,

No. 2:08-cv-422VS

TYLER TECHNOLOGIES, INC.
AND EDP ENTERPRISES, INC.,
Defendants.

ORAL DEPOSITION OF

TALINA REANN MCELHANY

3/29/10

ORAL DEPOSITION OF TALINA REANN MCELHANY,
produced as a witness at the instance of the DEFENDANTS,
and duly sworn, was taken in the above-styled and
numbered cause on the 29th day of March, 2010, from
9:14 a.m. to 12:35 p.m., before TINA TERRELL BURNEY, CSR
in and for the State of Texas, reported by machine
shorthand, at the offices of SLOAN, BAGLEY, HATCHER &
PERRY, 101 East Whaley Street, Longview, Texas 75601,
pursuant to the Federal Rules of Civil Procedure.

 COPY

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1 TALINA REANN MCELHANY,
2 having been first duly sworn, testified as follows:

3 EXAMINATION

4 BY MR. MCKEEBY:

09:14AM 5 Q. Ms. McElhany, will you state your full name for
6 the record, please?

7 A. Talina Reann McElhany.

8 Q. Ms. McElhany, I usually introduce myself before
9 we get on the record, but in this case I didn't. My name
09:15AM 10 is Paulo McKeeby. You understand I represent Tyler

11 Technologies?

12 A. Yes.

13 Q. And I represent Tyler in connection with a
14 lawsuit in which you are a party. Do you understand
09:15AM 15 that?

16 A. Yes.

17 Q. And you were formerly employed by Tyler?

18 A. Yes.

19 Q. And you understand that Tyler acquired at some
09:15AM 20 point a company with which you were previously employed
21 called EDP?

22 A. Yes.

23 Q. And that acquisition took place in September of
24 2007?

09:15AM 25 A. Yes.

1 Q. What is your current address?

2 A. 1301 Creek Bend Street, White Oak, Texas
3 75693.

4 Q. How long have you lived there?

09:15AM 5 A. Seven and a half years.

6 Q. What is your highest level of education?

7 A. I have a bachelor's degree.

8 Q. From where?

9 A. Baylor University.

09:15AM 10 Q. When did you get that?

11 A. December of 1982.

12 Q. And what was your specialty?

13 A. I have a business degree.

14 Q. Is it anything more specific than business?

09:16AM 15 A. I had a concentration in computer information
16 systems.

17 Q. Was that like a major?

18 A. No, it's not considered a major, just a
19 concentration.

09:16AM 20 Q. Did you have a separate major?

21 A. No.

22 Q. Is that just how Baylor designates?

23 A. It was at that time. I don't know if they
24 still do.

09:16AM 25 Q. Have you had any education beyond your

1 you?

2 A. Yes.

3 Q. We'll talk about these (indicating), and I'll
4 show them to you during the course of the deposition.

09:23AM 5 Was that the kind of time sheets that you thought you
6 might have at your home?

7 A. Yes.

8 Q. Was it your practice to take those types of
9 records to your home while you were working at EDP or

09:24AM 10 Tyler?

11 A. Time sheets?

12 Q. Yes.

13 A. No.

14 Q. You weren't violating any policy, as you
09:24AM 15 understood it, taking those to your home?

16 A. No.

17 Q. Was there a reason that you did on a couple of
18 occasions take time sheets to your home?

19 A. Well, I didn't think that I had, but when you
09:24AM 20 leave a place of employment, you know, you have personal
21 belongings, a file of personal stuff that you kept. I
22 thought it was possible that there might have been a
23 time sheet stuck in that file, but I didn't find any.

24 Q. But what you're telling me is that you don't
09:24AM 25 have any particular recollection of there being an

1 occasion in which you took one or more time sheets from
2 the company to your home?

3 A. No, I don't.

4 Q. Okay. Was there a time that you stopped
09:25AM 5 completing time sheets while you were employed with EDP
6 in Tyler?

7 A. Tyler, yes.

8 Q. When was that?

9 A. It was after Tyler bought EDP. I'm not
09:25AM 10 positive of the time. I would say -- I would estimate
11 that it was in the fall of 2007.

12 Q. And you left Tyler in August of 2008, correct?

13 A. Yes.

14 Q. How did you become aware that you were no
09:26AM 15 longer having to keep a time sheet?

16 A. We were told not to keep time sheets any
17 longer by our manager. I'm not sure what her title was
18 at that point.

19 Q. Who are you referring to?

09:26AM 20 A. Chandra Robins.

21 Q. Did she give you that instruction orally?

22 A. Yes.

23 Q. Did she give you that instruction personally,
24 or was it in a meeting?

09:26AM 25 A. I believe she just walked into our office.

1 There were three of us in that office, and she said,
2 y'all don't have to keep time sheets anymore.

3 Q. Did she say why?

4 A. No.

09:26AM 5 Q. Did you ask?

6 A. Yes, and she said, that's what they told us.

7 Q. Where was your office located at that time?

8 A. It was at the downtown building in what used
9 to be a bank building. I can't even tell you the
09:26AM 10 address. I could drive you to it, but I don't know the
11 address.

12 Q. Okay. Were you on the second or third floor?

13 A. On the third floor.

14 Q. Did you have your own office, or were you in a
09:27AM 15 cubicle?

16 A. I shared an office with two other ladies.

17 Q. Right now you're talking about around the fall
18 of 2007?

19 A. That's correct.

09:27AM 20 Q. What two other ladies did you share it with?

21 A. At that time I believe it was -- well,
22 actually at that time it was just one lady, Kelly
23 Hampton.

24 Q. Did you have your own desk at the office?

09:27AM 25 A. Yes.

1 Q. That was something they explained to you?

2 A. They didn't say those words.

3 Q. But that was your understanding?

4 A. They said, you'll work these -- during those
09:43AM 5 two weeks, you'll have to work until 6:00, and that
6 you'll have to work one Saturday during that time
7 period. There was not any discussion of the money
8 related to that.

9 Q. But it was your understanding based on the fact
09:44AM 10 they were telling you that you were going to have to work
11 more during these periods of time and you would be making
12 a salary is that you were going to make your weekly
13 salary no matter how many hours you worked?

14 MS. BAGLEY: Object to the form.

09:44AM 15 A. I don't think I thought about it at that
16 point.

17 Q. But they certainly didn't mention any extra pay
18 for these times where you might have to stay over a
19 little late or this two-week period at the end of the
09:44AM 20 school year where you would have to work additional
21 hours?

22 A. No, I don't think they did.

23 Q. Did you report to Ms. McBride during the entire
24 time that you were a customer support representative?

09:45AM 25 A. No.

1 Q. who else did you report to?

2 A. Ms. McBride left probably a month or a month
3 and a half after I came to work there, and there was an
4 interim customer support manager for a period of time.

09:45AM 5 Q. who was that?

6 A. Her name was Lisa Payne.

7 Q. was she someone that was already working there?

8 A. Yes.

9 Q. And then what happened to her, did she leave as

09:45AM 10 well?

11 A. Eventually she did, but...

12 Q. Someone else became your manager?

13 A. Yes.

14 Q. who became your manager?

09:45AM 15 A. Chandra Rash.

16 Q. So was Ms. Rash your manager for the remaining
17 time in which you were a customer support representative?

18 A. Yes.

19 Q. And then in September of '05, you became a

09:46AM 20 client liaison, correct?

21 A. Yes.

22 Q. was that a promotion in your eyes?

23 A. Yes.

24 Q. Did you get more money?

09:46AM 25 A. I don't remember if I got a raise at that

1 time.

2 Q. Why did you regard it as a promotion?

3 A. It was a different software, a newer software.

4 Q. What was the newer software, EDPro?

09:47AM 5 A. EDPro.

6 Q. They called it EDPro?

7 A. Uh-huh.

8 Q. Did the position of client liaison become open
9 that you applied for internally, or how did you get that
09:47AM 10 role?

11 A. There was an opening, and I did express
12 interest in that opening to Chandra Rash and to Kelly
13 Ainsworth, who was over the side of the business that I
14 was in at that time. He was over Chandra.

09:47AM 15 Q. And when you say there was an opening, is that
16 because someone left?

17 A. Yes.

18 Q. Who left?

19 A. I believe Susie Briscoe.

09:47AM 20 Q. Did you interview for the client liaison
21 position?

22 A. I did.

23 Q. With whom?

24 A. Well, initially -- because it was open for a
09:48AM 25 long time, and I don't remember when it became open -- I

1 interviewed with Cathy Mount at one point because she
2 was over the client liaisons. Then I interviewed with
3 Chandra Robins before I took the job -- before I was
4 offered the job.

09:48AM 5 Q. So that would have been -- that interview with
6 Chandra Robins would have been close to September of '05?

7 A. I don't really remember when it was. I was
8 told that I had the job several months before they moved
9 me over.

09:48AM 10 Q. So this interview that you're thinking about
11 with Chandra Robins occurred several months before you
12 actually became a client liaison?

13 A. I believe so.

14 Q. And the interview with Cathy Mount occurred
09:49AM 15 prior to that time?

16 A. Yes.

17 Q. Prior to your interview with Chandra Robins?

18 A. Yes.

19 Q. How much prior?

09:49AM 20 A. I don't remember.

21 Q. A couple of weeks, a couple of months?

22 A. More than two weeks. I really don't remember.

23 I don't have a time reference. I'm sorry.

24 Q. That's okay. Did you have a sense of what the
09:49AM 25 client liaison job was based on your experience to that

1 point at EDP?

2 A. Not based on my experience, based on the fact
3 that I was friends with Lisa White.

4 Q. Who was a client liaison?

09:49AM 5 A. Who was a client liaison.

6 Q. So she had told you what her job involved?

7 A. Yes.

8 Q. Did you -- as a customer support
9 representative, did you work closely with the client

09:50AM 10 liaisons?

11 A. No.

12 Q. Did you work at all with the client liaisons?

13 A. No.

14 Q. So your information about what the client

09:50AM 15 liaison job involved was a product of your discussions
16 with your friend, Lisa White?

17 A. Yes, that and knowing that the client liaisons

18 were involved with taking customers from the classic

19 software that I worked with at that time as a support

09:50AM 20 representative and converting their data and taking them
21 to the new EDPro software.

22 Q. And how did you have that information?

23 A. Occasionally there would be a question arise

24 about the software that I was supporting that Lisa or

09:50AM 25 Cathy Mount might call and ask me about a certain run

1 number in the software or where to find a piece of
2 information in the software when they were trying to
3 convert to EDPro.

4 Q. What was the classic software? What's the best
09:51AM 5 way to describe it or call it?

6 A. Well, we called it Unix when I worked there.

7 Q. U-N-I-X?

8 A. U-N-I-X.

9 Q. So that's what you mean when you are talking
09:51AM 10 about the classic software that you supported --

11 A. Yes.

12 Q. -- as a customer support representative?

13 A. Yes.

14 Q. And then EDPro was a new software that EDP had
09:51AM 15 developed, correct?

16 A. Yes.

17 Q. So what was going on in the school district was
18 that EDP was selling the EDPro software as a replacement
19 to Unix?

09:52AM 20 A. It was sold as a replacement to Unix. It was
21 sold as a stand-alone if there was a district that
22 wasn't a Unix customer.

23 Q. So they were marketing EDPro either to existing
24 customers who had used Unix or to new customers?

09:52AM 25 A. Yes.

1 Q. Were there other -- other than yourself and
2 Lisa White, who were the other client liaisons?

3 A. For a time it was just me and Lisa, but Kelly
4 Hampton was also a liaison, and then before I left -- I
10:44AM 5 actually don't remember if DeLana was in that position
6 before I left or after I left.

7 Q. Who was the person you're thinking of?

8 A. DeLana Alford. And Janet Copeland was also a
9 liaison for a short time.

10:44AM 10 Q. So the departmental meetings would be between
11 Chandra Robins and the client liaisons at the time?

12 A. And the trainers.

13 Q. The trainers also reported to Chandra Robins?

14 A. Yes.

10:45AM 15 Q. Now, did these trainers also go by the
16 designation "implementers"?

17 A. Once Tyler took over, yes.

18 Q. The term "implementer" wasn't used as a job
19 designation while you were at EDP?

10:45AM 20 A. No.

21 Q. That statement I made was a correct statement?

22 A. I'm sorry, that is a correct statement.

23 Q. That's not your fault. I asked you a bad
24 question. Okay. That's a designation that started being
10:45AM 25 used when Tyler took over in September of 2007?

1 A. Yes.

2 Q. I think I have this, but your job didn't change
3 after Tyler took over, did it?

4 MS. BAGLEY: Object to form.

10:46AM 5 A. No, it did not.

6 Q. It did not change?

7 A. My duties didn't change. My title changed.

8 Q. Right. Your title changed from client liaison
9 to implementer?

10:46AM 10 A. I believe it was implementation specialist.

11 Q. But in terms of what you were doing on a
12 day-to-day basis, it stayed the same?

13 A. Yes.

14 Q. So the description of your job that I
10:46AM 15 referenced in Paragraph 4 of your declaration is accurate
16 as to while you were a client liaison at EDP and at
17 Tyler?

18 A. Yes.

19 Q. So how often were these departmental meetings?

10:46AM 20 A. I don't really know.

21 Q. Were they more than once a month?

22 A. No.

23 Q. Okay. So you have this initial call. What do
24 you do with the form that you completed? Did you give
10:47AM 25 that to the programmer?

1 A. Yes, and keep a copy for yourself also.

2 Q. So what do you do next in the conversion
3 process? Do you wait for the programmer to give you
4 information, or how do you know if you're supposed to do
10:48AM 5 something else in connection with the conversion process?

6 A. Once you have given that to the programmer,
7 he'll run the initial conversion through the conversion
8 process. And then he would either come and tell us it
9 completely bombed, and this is what I think is wrong, so
10:48AM 10 gather X, Y, Z information from the customer, or if they
11 had good, clean data, he might could tell you specific
12 areas that needed attention.

13 So you would go back to your customer and
14 say, I need you to do this, this and this.

10:48AM 15 Q. And how did he communicate the status of the
16 initial conversion to you, by e-mail, orally?

17 A. Both. We would have conversations about it,
18 and he might send me an e-mail and say, these are the
19 things that I see wrong. If I needed clarification, I
10:49AM 20 would just go to him, and we would talk about it. I
21 would take notes.

22 Q. How long would it typically take him to do the
23 initial conversion?

24 A. I wouldn't say there was a typical time.

10:49AM 25 Q. What would it depend on?